

Kiely Keane  
Marcia Davenport  
Brett P. Clark  
CROWLEY FLECK PLLP  
900 N. Last Chance Gulch, Suite 200  
P.O. Box 797  
Helena, MT 59624-0797  
Telephone: (406) 449-4165

Charles K. Smith  
CROWLEY FLECK PLLP  
Thornton Building  
65 East Broadway, Suite 400  
Butte, MT 59701  
Telephone: (406) 457-2057

*Attorneys for Genesis Healthcare, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

GINA JAEGER, individually, AND AS )	Cause No. CV-16-30-BU-SEH
PERSONAL REPRESENTATIVE OF )	
THE ESTATE OF HER SISTER )	
CHARLENE HILL, )	
Plaintiff, )	<b>GENESIS HEALTHCARE INC'S</b>
vs. )	<b>MOTION TO DISMISS</b>
)	<b>PLAINTIFF'S AMENDED</b>
)	<b>COMPLAINT WITH PREJUDICE</b>
WILLIAM POWELL, DANA )	
WADDELL, AMBER DAYHUFF, )	
PEAK MEDICAL MONTANA )	
OPERATIONS, LLC AND GENESIS )	
HEALTHCARE, INC., )	
Defendants. )	

---

Genesis HealthCare, Inc. (“Genesis”) moves the Court to dismiss Plaintiff’s Amended Complaint against Genesis with prejudice. Specifically, Genesis moves the Court to dismiss the Amended Complaint filed on August 2, 2016 (Doc. No. 28), in accordance with the Federal Rules of Civil Procedure for: (1) failure to state a claim upon which relief can be granted (Fed. R. Civ. P. 12(b)(6)); (2) lack of personal jurisdiction (Fed. R. Civ. P. 12(b)(2)); (3) insufficient process (Fed. R. Civ. P. 12(b)(4)); and (4) insufficient service of process (Fed. R. Civ. P. 12(b)(5)).

Genesis respectfully requests the Court grant its motion to dismiss Plaintiff’s Amended Complaint with prejudice for the reasons set forth in its brief in support of its motion to dismiss with prejudice.

Pursuant to Local Rule 7.1(c)(1), Genesis has contacted counsel for Plaintiff. Plaintiff objects to this motion. Peak Medical Montana Operations, LLC has no objection and agrees the Court should dismiss Plaintiff’s complaint with prejudice.

Dated this 18th day of August, 2016.

CROWLEY FLECK PLLP

/s/ Brett P. Clark

Kiely Keane

Brett P. Clark

Charles K. Smith

*Attorneys for Genesis HealthCare,  
Inc.*